

REMARKS

The Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, the Title of the specification has been amended to better reflect the subject matter of the invention.

Claims 2-10, 14, and 17 are currently being amended.

Claims 25-32 are being added. No new matter has been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate status identifier.

After amending the claims as set forth above, claims 2-10, 12-17, and 21-32 are now pending in this application.

1. Rejection of Claims 2, 3, 6, 7, 14, and 21 as Being Unpatentable Over Boling et al. (U.S. Patent Appl. Publ. No. 2006/0003809) in View of Curatolo et al. (U.S. Patent Appl. Publ. No. 2005/0136912)

In Section 2 of the Office Action, claims 2, 3, 6, 7, 14, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boling et al. in view of Curatolo et al. The Examiner acknowledged in section 2 of the Office Action that “Boling does not explicitly disclose a display having a graphical user interface coupled to the processor and wherein the device is programmed to effectuate a predetermined communications connection when a user depresses two or more input keys simultaneously and device effectuates the predetermined communications connection.” The Examiner further stated that

[i]n a similar field of endeavor, Curatolo discloses a display having a graphical user interface coupled to the processor (page 3 [0040] and page 4 [0051]) and wherein the device is programmed to effectuate a predetermined communications connection when a user depresses two or more input keys simultaneously and device effectuates the predetermined communications connection (page 3 [0041] and page 5 [0058]).

At the time of the invention it would have been obvious to one of ordina[ry] skill in the art to modify Boling to include simultaneous depression of two input keys to effectuate a predetermined communication when the communication device is powered off in case of an emergency situation as described in Boling, in that accidental activation is prevented as described in Curatolo (page 3[0041]).

Office Action at Section 2. For the reasons below, the Applicants respectfully submit that the Office Action has failed to establish a prima facie case of obviousness with respect to the rejected claims.

With respect to independent claims 6, 7, 14, and 21, the Applicants submit that there is no motivation to combine Boling et al. and Curatolo et al. because the proposed modification would render Boling et al. unsatisfactory for its intended purpose. The Office Action acknowledges that Boling et al. does not disclose effectuating a communication connection when a user depresses or activates two or more user input keys or devices simultaneously, as recited in claims 6, 7, 14, and 21. See Office Action at Section 2. Boling et al. is entitled “Emergency Phone With Single Button Activation” and discloses an emergency-only cellular phone that may be used to call either a “public emergency response service . . . by pressing a single public emergency response button,” or call a “private assistance center . . . by pressing a single private assistance call button.” ¶ [0009] (emphasis added). Boling et al. is intended to permit users to call either public or private assistance with the press of a single button on an emergency-use-only cellular phone.

Throughout the disclosure of Boling et al., the importance of this single-button functionality is emphasized. For example, at paragraph [0006], Boling et al. recites that “simplicity is critical. It is desirable that the user need not have to remember any phone numbers to dial, or which of many keys to press to initial a call.” Further, at paragraph [0013], Boling et al. recites that “[i]mplementing a single activation button to initiate all of these functions simplifies communication with the first emergency response service in a stressful situation.” Further yet, at paragraph [0035], Boling et al. goes on to recite that one of the “primary benefits” of the using only a single button is the “resulting simplicity of operation,” and that “[s]ince only one button . . . need be pressed to initiate a call, even very young children or persons with an aversion to most electronic devices can be taught how to use the phone 10 to easily summon help in an emergency.” Further evidence of the importance that Boling et al. places on the single-button activation feature in an emergency-use-only cellular phone may be found in paragraphs [0067], [0073] – [0074], and [0084], and in sole claim 1 (“a single button accessible through the housing”).

Thus, “to modify Boling to include simultaneous depression of two input keys to effectuate a predetermined communication [according to Curatolo et al.],” see Office Action at Section 2, would render Boling et al. unsatisfactory for its intended purpose of providing users with single-button actuation capabilities. Therefore, the Applicants submit that there is no motivation to combine Boling et al. with Curatolo et al., and that the Office Action has failed to establish a prima facie case of obviousness with respect to independent claims 6, 7, 14, and 21.

Further, each of independent claims 6, 7, and 14 recites a combination including, among other elements, a “graphical user interface coupled to the processor,” which is not taught or suggested by Boling et al. in view of Curatolo et al., even if the combination of the references were proper. As acknowledged by the Examiner, “Boling does not explicitly disclose a display having a graphical user interface coupled to the processor.” Office Action at Section 2.

As to Curatolo et al., it does not teach or suggest a graphical user interface coupled to the processor. The Office Action refers to page 3, paragraph [0040] and page 4, paragraph [0051] of Curatolo et al. for the teaching or suggestion of this limitation. However, neither cited portion of Curatolo et al. supports the Examiner’s assertion. Paragraph [0040] discloses that components of the signaling units may include “a power source, an antenna, a receiver, a transmitter, a microprocessor, an electronic switch, a sensor, a signal generator, a timer circuit, and an optional microphone and video camera.” However, paragraph [0040] does not disclose, teach, or suggest a “graphical user interface” as recited in claims 6, 7, and 14. Paragraph [0051], also cited by the Examiner, discloses that the signaling unit may be “attached to or incorporated within, or embedded into a material asset or personal accessory” and may be configured for “secondary operations” such as “recording, receiving, or transmitting video signals or audio signals.” The Examiner has not cited, nor have the Applicants identified, any portion of Curatolo et al. that teaches or suggests a “graphical user interface coupled to the processor,” as recited in each of independent claims 6, 7, and 14. Thus, the proposed combination of Boling et al. and Curatolo et al. fails to teach or suggest at least one limitation in each of independent claim 6, 7, and 14.

Accordingly, for the reasons stated above, the Applicants respectfully request that the rejection of independent claims 6, 7, 14, and 21, and corresponding dependent claims 2 and 3, as being unpatentable under 35 U.S.C. § 103(a) over Boling et al. in view of Curatolo et al. be withdrawn.

2. Rejection of Claims 8, 11, and 15 as Being Unpatentable Over Boling et al. and Curatolo et al. in View of Hess (U.S. Patent No. 5,777,551)

In section 3 of the Office Action, claims 8, 11, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boling et al. and Curatolo et al. in view of Hess. Claim 11 was previously canceled. Claim 8 depends from independent claim 7, and claim 15 depends from independent claim 14. As discussed above, independent claims 7 and 14 are believed to be patentable over Boling et al. in view of Curatolo et al. As to Hess, it does not make up for the above-noted deficiencies of Boling et al. and Curatolo et al. with respect to independent claims 7 and 14, from which dependent claims 8 and 15 depend. Accordingly, the Applicants respectfully request that the rejection of claims 8 and 15 be withdrawn.

3. Rejection of Claims 4, 12, and 24 as Being Unpatentable Over Boling et al. and Curatolo et al. in View of Yasuda et al. (U.S. Patent No. 5,901,365)

In section 4 of the Office Action, claims 4, 12, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boling et al. and Curatolo et al. in view of Yasuda et al. Claim 4 depends from independent claim 7. Claim 12 depends from independent claim 14. Claim 24 depends from independent claim 21. As discussed above, independent claims 7, 14, and 21 are believed to be patentable over Boling et al. in view of Curatolo et al. As to Yasuda et al., it does not make up for the above-noted deficiencies of Boling et al. and Curatolo et al. with respect to independent claims 7, 14, and 21, from which dependent claims 4, 12, and 24 depend. Accordingly, the Applicants respectfully request that the rejection of claims 4, 12, and 24 be withdrawn.

4. Rejection of Claims 5, 13, and 23 as Being Unpatentable Over Boling et al. and Curatolo et al. in View of Asari et al. (U.S. Patent No. 6,031,470)

In section 5 of the Office Action, claims 5, 13, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boling et al. and Curatolo et al. in view of Asari et al. Claim 5 depends from independent claim 7. Claim 15 depends from independent claim 14. Claim 23 depends from independent claim 21. As discussed above, independent claims 7, 14, and 21 are believed to be patentable over Boling et al. in view of Curatolo et al. As to Asari et al., it does not make up for the above-noted deficiencies of Boling et al. and Curatolo et al. with respect to independent claims 7, 14, and 21, from which dependent claims 5, 13, and 23 depend. Accordingly, the Applicants respectfully request that the rejection of claims 5, 13, and 23 be withdrawn.

5. Rejection of Claims 10 and 17 as Being Unpatentable Over Boling et al. and Curatolo et al. in View of Kienberger (U.S. Patent No. 5,467,387)

In section 6 of the Office Action, claims 10 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boling et al. and Curatolo et al. in view of Kienberger. Claim 10 depends from independent claim 7, and claim 17 depends from independent claim 14. As discussed above, independent claims 7 and 14 are believed to be patentable over Boling et al. in view of Curatolo et al. As to Kienberger, it does not make up for the above-noted deficiencies of Boling et al. and Curatolo et al. with respect to independent claims 7 and 14, from which dependent claims 10 and 17 depend. Accordingly, the Applicants respectfully request that the rejection of claims 10 and 17 be withdrawn.

6. Rejection of Claims 9 and 16 as Being Unpatentable Over Boling et al. and Curatolo et al. in View of Nilsson et al. (U.S. Patent No. 6,332,073)

In section 6 of the Office Action, claims 9 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boling et al. and Curatolo et al. in view of Nilsson et al. Claim 9 depends from independent claim 7, and claim 16 depends from independent claim 14. As discussed above, independent claims 7 and 14 are believed to be patentable over Boling et al. in view of Curatolo et al. As to Nilsson et al., it does not make up for the above note deficiencies of Boling et al. and Curatolo et al. with respect to independent claims 7 and 14, from which dependent claims 9 and 16 depend. Accordingly, the Applicants respectfully request that the rejection of claims 9 and 16 be withdrawn.

7. Rejection of Claim 22 as Being Unpatentable Over Boling et al. and Curatolo et al. in View of Shaanan et al. (U.S. Patent No. 6,332,084)

In section 3 of the Office Action, claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Boling et al. and Curatolo et al. in view of Shaanan et al. Claim 22 depends from independent claim 21. As discussed above, independent claim 21 is believed to be patentable over Boling et al. in view of Curatolo et al. As to Shaanan et al., it does not make up for the above note deficiencies of Boling et al. and Curatolo et al. with respect to independent claim 21, from which dependent claim 22 depends. Accordingly, the Applicants respectfully request that the rejection of claim 22 be withdrawn.

8. New Claims 25-32

New claims 25-32 have been added. New claim 25 is in independent form and recites a computing device including, among other elements, “a processor,” “a wireless telephony device,” “a display having a graphical user interface,” and “at least one input key,” “wherein the computing device is configured to effectuate a predetermined communications connection with an emergency service when a user depresses a single input key for a predetermined period of time.” The combination of these features is believed to be patentable over the above-cited references. New claims 26-29 depend from new independent claim 25 and are believed to be patentable for at least the same reasons.

New claim 30 depends from independent claim 6. New claim 31 depends from independent claim 7. New claim 32 depends from independent claim 14. For the reasons stated above, independent claims 6, 7, and 14 are believed to be patentable. New claims 30-32 are therefore believed to be patentable for at least the same reasons.

The Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

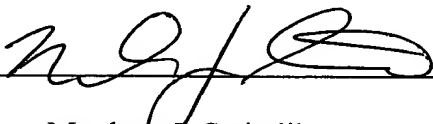
If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

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